

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

DERRICK DOUGLASS,

Petitioner

v.

FRANKLIN J. TENNIS,

Respondent

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CIVIL NO. 3:CV-05-0025

(Judge Kosik)

ORDER

_____ **NOW, THIS 15th DAY OF NOVEMBER, 2005**, upon consideration of Petitioner's "Motion for Judgment on the Pleadings, or Default Judgment and Alternatively Hearing on the Grounds that the District Attorney H. Stanley Rebert Failed to File a Timely Return" (Doc. 20), **IT IS HEREBY ORDERED THAT** said motion is **denied**.¹ Defendants, however, are directed to serve another copy of their response to the petition and supporting exhibits on Petitioner within ten (10) days. Petitioner may file a traverse to the response within fifteen (15) days after receipt of the response.

s/Edwin M. Kosik

United States District Judge

¹ In the motion, Petitioner seeks judgment on his habeas petition or, in the alternative, a hearing on his petition, on the basis that Respondent has failed to submit a timely response in this action. According to Petitioner, Respondent has failed to file an answer to the Show Cause Order issued in this case on April 14, 2005. (Doc. 12.) Petitioner argues that he has yet to receive any response to his petition. A review of the docket, however, reveals that a response to the petition along with four (4) volumes of supporting exhibits were filed by Respondent on April 26, 2005. A certificate of service attached to Respondent's filing reveals that these documents were served upon Petitioner at SCI-Rockview.